

**INDEX OF A REGULAR MEETING
FORT LAUDERDALE CITY COMMISSION
April 2, 2002**

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>	<u>Page(s)</u>
OB		Presentations:
		1. Expression of Sympathy 1
		2. Smoke Detector 2
		3. City County Credit Union of Fort Lauderdale Week 2
		4. Habitat for Humanity 2
		5. Outstanding City Employees 2
		6. Vice Mayor Gloria Katz – Knight Fellowship for the Community Building Program 2
CA		Consent Agenda 3
M-1		Event Agreement – Walk America 3
M-2		Event Agreement – The Riverwalk Spring Tribute 3
M-3		Event Agreement – Great Strides 3
M-4		Event Agreement – Children’s Hospital at Broward General Medical Center (BGMC) Carnival 4 & 10
M-5		Event Agreement – Maroone Moonlight Movie 4
M-6	Deleted	Event Agreement – Social on the Intracoastal 4
M-7		Agreements – Steve Kennedy, Tom Krukiel, Ron Perry, Phil Milford and Peter Popov – Assistant Tennis Instructors 4
M-8		Reconciliation Agreement – Service Corporation International (SCI) – Municipal Cemetery System 5 & 11
M-9		Interlocal Agreement – Broward County Clerk of Courts – Parking Citation Appeal Services 5
M-10		Contract Extension – Florida Blacktop, Inc. – Project 10333C – Annual (2002) Contract for Speed Hump Installation 5
M-11		Contract Award – Green Acres Lawn Service, Inc. – Project 10420 – Trees and Landscaping Replacement on South Federal Highway (Parade of Planes) 5
M-12		Contract Award – Molloy Brothers, Inc. – Project 10445 – Annual (FY 2002/03) Sanitary and Storm Sewer Repairs 6
M-13		Task Order – Recreational Design and Construction, Inc. – Project 10259 – Riverside Park Community Center 6
M-14		Task Order – Keith and Schnars, P.A. (City’s General Civil Engineering Consultant) – Project 10443 – Boundary Survey for Sunset Memorial Gardens Cemetery 6
M-15		Task Order – Keith and Schnars, P.A. (City’s General Civil Engineering Consultant) – Project 10423 – War Memorial Auditorium Accelerated Capital Improvement Program (CIP) Renovations 6
M-16		Task Order – Bailey Engineering Consultants, Inc. – Project 10367A – Marshall’s Point Seawall and Facilities Replacement 7
M-17		Change Order No. 6 – Man-Con, Inc. – Project 10335 – Storm Drain at S.E. 8 Street and Rio Cordova 7
M-18		Sanitary Sewer Agreement – C. Craig Edewaard – Las Olas Village Development 7

Index of a Regular Meeting
April 2, 2002
Page Two

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
M-19		Enterprise Zone (EZ) Loan – Concepts3 Communications, Inc. – 530 and 540 North Andrews Avenue	7 & 11
M-20		Installation of Speed Humps on N.E. 15 Avenue – Coral Ridge Isles – FY 2000/01 Neighborhood Capital Improvement Program (NCIP)	8
M-21		Neighborhood Capital Improvement Program (NCIP) Grant and Maintenance Agreement/Revocable License – Bay Colony Homeowners Association	8
M-22		Response to Request for Proposals (RFP) – U.S. Department of Health and Human Services (DHHS) – Development of Metropolitan Medical Response System (MMRS)	8
M-23		Release for Property Damage – Green’s Directional Boring, Inc.	8
M-24	Deleted	Settlement of Workers Compensation File No. WC 89-5351 (Michael Chalfonte)	11
M-25		Proposed Lien Settlements for Special Master and Code Enforcement Board Cases	11
M-26		City Commission Request for Review – Site Plan Level III/ Waterway Use/Yard Modification/RMM-25 – The Palms on Las Olas, Inc. – 309 Bontona Avenue (PZ Case No. 1-R-02)	12
Pur. 1		Proprietary – Rejection of Bid Responses and Purchase of 80 Gunlocks	9
Pur. 2		Bid 722-8650 – One-Year Contract for Printing Services	9
Pur. 3		Bid 622-8642 – One-Year Contract for Sod	9
Pur. 4		Proprietary – Replacement Sludge Pump	10
Pur. 5		Proprietary – Rebuild Clarifier No. 1	10
PH-2	02-52	Application for Certificate of Public Convenience and Necessity – Fort Lauderdale Transportation, Inc.	13
PH-2	Deferred	Development Order – Florida Department of Transportation (FDOT)/Cypress Creek Park and Ride Associates, Limited Partnership, Lessee – Lightspeed Broward Center Development of Regional Impact (DRI) (PZ Case No. 109-R-00[02])	14
O-1	C-02-05	Vacate a Segment of Alley – Dixie Southland Corp. – Jefferson at Fort Lauderdale (PZ Case No. 4-P-02)	14
O-2	C-02-06	Amend Section 2-26 – Starting Time of City Commission Conference Meetings	15
O-3	C-02-07	Amend Ordinance No. C-01-48 and Section 24-47(7) – Royal Palm Frond Removal Service – Las Olas Isles Neighborhoods	15
O-4	C-02-08	Amend Chapter 26 – “Two Wheels On, Two Wheels Off” Parking in Swales – Lauderdale Manors Neighborhood	16
R-1	02-53	Use of School Board Facilities by Neighborhood and Civic Associations	17

Index of a Regular Meeting
April 2, 2002
Page Two

<u>Agenda Item</u>	<u>Reso./Ord. No.</u>		<u>Page(s)</u>
R-2	02-54	Reschedule April 16, 2002 City Commission Conference and Regular Meetings to April 23, 2002	18
R-3	02-55	Appointment of Vice Mayor	18
OB		Road Closure – Dillard High School Basketball Parade	19
OB	02-56	House Bill 571 – Local Law Enforcement Automation	19
OB	02-57	Advisory Board Appointments	19

**MINUTES OF A REGULAR MEETING
CITY COMMISSION
FORT LAUDERDALE, FLORIDA
April 2, 2002**

Meeting was called to order at 6:03 P.M. by Mayor Naugle on the above date, City Commission Meeting Room.

Roll call showed:

Present: Commissioner Tim Smith
Commissioner Carlton B. Moore (6:06)
Commissioner Cindi Hutchinson
Commissioner Gloria Katz
Mayor Jim Naugle

Absent: None

Also Present:	City Manager	F. T. Johnson
	City Attorney	Dennis E. Lyles
	City Clerk	Lucy Masliah
	Sergeant At Arms	Sergeant Spencer

Invocation was offered by *Reverend David Mesenbring*, Seafarer's House.

Pledge of Allegiance to the Flag.

Motion made by Commissioner Moore and seconded by Commissioner Smith that the agenda and minutes of the meeting as shown below be approved:

Regular Meeting March 19, 2002

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle.
NAYS: none.

Note: All items were presented by Mayor Naugle unless otherwise shown, and all those desiring to be heard were heard. Items discussed are identified by the agenda number for reference. Items not on the agenda carry the description "OB" (Other Business).

Presentations (OB)

1. Expression of Sympathy

Mayor Naugle presented an Expression of Sympathy, on behalf of the City Commission, to the families of *Anthony Morgan "Tony" Wood* and *Reverend Luther Anderson*.

2. Smoke Detector

Commissioner Smith demonstrated the proper method of testing the batteries in a smoke detector and encouraged everyone at home to do the same.

3. City County Credit Union of Fort Lauderdale Week

Commissioner Moore read aloud and presented a proclamation for “City County Credit Union of Fort Lauderdale Week” to be observed April 22-26, 2002. *Damon Adams*, Chairman of the Credit Union Board and City’s Director of Finance, accepted the proclamation and expressed appreciation for the support of the City dating back to 1952 when the Credit Union had been formed.

4. Habitat for Humanity

Commissioner Hutchinson reported that she had recently visited a Habitat for Humanity construction site, and she had met a group of wonderfully motivated young men and women. She wished to take this opportunity to introduce 12 members of AmeriCorp’s National Civilian Community Corps, which was a domestic peace corps performing national community service. Commissioner Hutchinson explained that the group had supervised over 200 college students over Spring Break, who had constructed affordable housing in the Riverside Park neighborhood.

Mr. Mark Lundquist expressed appreciation on behalf of the group to everyone for being such great hosts while the group was in town working with Broward County Habitat for Humanity. Commissioner Hutchinson stated that the Riverside Park neighborhood was thrilled with the 5 new homes this group had constructed in the area.

Mayor Naugle recognized the presence of Howard Foreman, Clerk of the Broward County Circuit Court.

5. Outstanding City Employees

The following individuals were recognized as Outstanding City Employees:

- LaRhonda Ware, Anthony Byrd, Darren Harris, Tommy Bolden, and Mike Maloney, of the Public Services Department;
- Officer David Cortes, Sabrina Harden, and Police Officer Recruit Jason Wood, of the Police Department;
- Captain James Ferranti, of the Fire-Rescue Department; and
- Mohammed Malik, of the Community and Economic Development Department

6. Vice Mayor Gloria Katz – Knight Fellowship for the Community Building Program

Mayor Naugle presented a commendation to Vice Mayor Gloria Katz for being awarded the prestigious Knight Fellowship for the Community Building Program at the University of Miami School of Architecture.

Consent Agenda (CA)

The following items were listed on the agenda for approval as recommended. The City Manager reviewed each item and observations were made as shown. The following statement was read:

Those matters included under the Consent Agenda are self-explanatory and are not expected to require review or discussion. Items will be enacted by one motion; if discussion on an item is desired by any City Commissioner or member of the public, however, that item may be removed from the Consent Agenda and considered separately.

Event Agreement – Walk America (M-1)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **March of Dimes Birth Defects Foundation** to indemnify, protect, and hold harmless the City from any liability in connection with **Walk America** to be held **Saturday, April 20, 2002 from 6:00 a.m. to 12:00 noon**; and further authorizing the closing of the following walk route from 8:30 a.m. to 10:30 a.m.: beginning in Birch State Park and crossing Sunrise Boulevard to the eastbound lanes: east in both eastbound lanes of Sunrise Boulevard to Sunrise Lane; south to N.E. 9 Street; east to State Road A-1-A; south in the westernmost southbound lane to East Las Olas Boulevard; east in the westbound lanes to northbound State Road A-1-A; north in the easternmost northbound lane to Tunnel entrance back into the Park (participants will be directed towards sidewalks as crowd decreases in size).

Recommend: Motion to approve.

Exhibit: Memo No. 02-458 from City Manager.

Event Agreement – The Riverwalk Spring Tribute (M-2)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Riverwalk Fort Lauderdale, Inc.** to indemnify, protect, and hold harmless the City from any liability in connection with **The Riverwalk Spring Tribute** to be held **Wednesday, May 15, 2002 from 6:00 p.m. to 10:00 p.m.** at the River House on Riverwalk.

Recommend: Motion to approve.

Exhibit: Memo No. 02-457 from City Manager.

Event Agreement – Great Strides (M-3)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Cystic Fibrosis Foundation** to indemnify, protect, and hold harmless the City from any liability in connection with **Great Strides** to be held **Saturday, May 18, 2002 from 8:30 a.m. to 12:30 p.m.** at Las Olas Riverfront and surrounding downtown sidewalks.

Recommend: Motion to approve.

Exhibit: Memo No. 02-456 from City Manager.

Event Agreement –

Children’s Hospital at Broward General Medical Center (BGMC) Carnival (M-4)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **North Broward Hospital District** to indemnify, protect, and hold harmless the City from any liability in connection with the **Children’s Hospital at BGMC Carnival** to be held **Saturday, April 27, 2002 from 10:00 a.m. to 2:00 p.m.**; and further authorizing the closing of the northbound lanes of S.E. 1 Avenue from the Hospital to S.E. 15 Street, and S.E. 15 Street from S.E. 1 Avenue to S.E. 3 Avenue, from 6:00 a.m. to 5:00 p.m. on the event day.

Recommend: Motion to approve.

Exhibit: Memo No. 02-469 from City Manager.

Event Agreement – Maroone Moonlight Movie (M-5)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with the **Broward County Film Society** to indemnify, protect, and hold harmless the City from any liability in connection with the **Maroone Moonlight Movie** to be held **on the following Saturdays during 2002: April 27, May 25, June 22, July 27, August 24, September 28, October 26, November 23, and December 21 from 7:00 p.m. to 10:00 p.m.** in the DDA Plaza.

Recommend: Motion to approve.

Exhibit: Memo No. 02-477 from City Manager.

Event Agreement – Social on the Intracoastal (M-6)

A motion authorizing the proper City officials to execute an Insurance, Indemnification, and Hold Harmless Agreement with **Shooters** to indemnify, protect, and hold harmless the City from any liability in connection with **Social on the Intracoastal** to be held **Thursday, April 18, 2002 from 6:00 p.m. to 11:00 p.m.**; and further authorizing the closing of N.E. 32 Avenue from the south side of the Shooters/BridgeSide Square valet parking entrance to the south side of the Shooters/Caribbean Corner property from 8:00 a.m. Thursday, April 18, 2002 to 11:00 a.m. Friday, April 19, 2002.

Recommend: Motion to approve.

Exhibit: Memo No. 02-470 from City Manager.

**Agreements – Steve Kennedy, Tom Krukiel, Ron Perry,
Phil Milford and Peter Popov – Assistant Tennis Instructors (M-7)**

A motion authorizing the proper City officials to execute agreements with Steve Kennedy, Tom Krukiel, Ron Perry, Phil Milford and Peter Popov for services as Assistant Tennis Instructors in various City facilities for a term of May 1, 2002 through April 30, 2003.

Recommend: Motion to approve.

Exhibit: Memo No. 02-385 from City Manager.

**Reconciliation Agreement -
Service Corporation International (SCI) – Municipal Cemetery System (M-8)**

A motion authorizing the proper City officials to execute a reconciliation agreement with SCI regarding the Municipal Cemetery System.

Recommend: Motion to approve.
Exhibit: Memo No. 02-96 from City Manager.

**Interlocal Agreement –
Broward County Clerk of Courts – Parking Citation Appeal Services (M-9)**

A motion authorizing the proper City officials to execute an Interlocal Agreement with the Broward County Clerk of Courts for services performed with the City's parking citation appeals.

Recommend: Motion to approve.
Exhibit: Memo No. 02-399 from City Manager.

**Contract Extension – Florida Blacktop, Inc. –
Project 10333-C – Annual (2002) Contract for Speed Hump Installation (M-10)**

A motion authorizing the proper City officials to execute a one-year extension to the agreement with Florida Blacktop, Inc. in the approximate amount of \$110,000 for the annual (2002) speed hump installation contract. (Also see Item M-20 on this Agenda)

Funds: See Memo

Recommend: Motion to approve.
Exhibit: Memo No. 02-347 from City Manager.

**Contract Award – Green Acres Lawn Service, Inc. – Project 10420 -
Trees and Landscaping Replacement on South Federal Highway
(Parade of Planes) (M-11)**

A motion authorizing the proper City officials to execute an agreement with Green Acres Lawn Service, Inc. in the amount of \$49,840.25 for the installation of trees, palms, shrubs, and ground cover in several median islands on South Federal Highway, between S.E. 17 Street and State Road 84, and the island east of South Federal Highway on S.E. 17 Street, as a result of the removal of trees and landscaping for the Parade of Planes event.

Funds: See Bid Tab

Recommend: Motion to approve.
Exhibit: Memo No. 02-443 from City Manager.

**Contract Award – Molloy Brothers, Inc. – Project 10445 -
Annual (FY 2002/2003) Sanitary and Storm Sewer Repairs (M-12)**

A motion authorizing the proper City officials to execute an agreement with Molloy Brothers, Inc. in the approximate amount of \$773,460 for the annual contract (FY 2002/2003) for sanitary and storm sewer repairs.

Funds: See Bid Tab

Recommend: Motion to approve.

Exhibit: Memo No. 02-446 from City Manager.

**Task Order – Recreational Design and Construction, Inc.
(RDC) – Project 10259 – Riverside Park Community Center (M-13)**

A motion authorizing the proper City officials to execute a task order with RDC in the amount of \$622,881 for the design and construction of the Riverside Park Community Center.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-345 from City Manager.

**Task Order- Keith and Schnars, P.A.
(City's General Civil Engineering Consultant) -
Project 10443 – Boundary Survey for Sunset Memorial Gardens Cemetery (M-14)**

A motion authorizing the proper City officials to execute a task order with Keith and Schnars, P.A. in the amount of \$15,470 for survey services for the Sunset Memorial Gardens project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-450 from City Manager.

**Task Order- Keith and Schnars, P.A. (City's General
Civil Engineering Consultant) – Project 10423 – War Memorial
Auditorium Accelerated Capital Improvement Program (CIP) Renovations (M-15)**

A motion authorizing the proper City officials to execute a task order with Keith and Schnars, P.A. in an amount not to exceed \$99,050 for the War Memorial Auditorium accelerated CIP renovations.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-447 from City Manager.

**Task Order – Bailey Engineering Consultants, Inc. –
Project 10367-A – Marshall’s Point Seawall and Facilities Replacement (M-16)**

A motion authorizing the proper City officials to execute a task order with Bailey Engineering Consultants, Inc. in the amount of \$22,540 for the electrical design and construction services for the Marshall’s Point seawall and facilities replacement project.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-349 from City Manager.

**Change Order No. 6 – Man-Con, Inc. –
Project 10335 – Storm Drain at S.E. 8 Street and Rio Cordova (M-17)**

A motion authorizing the proper City officials to execute Change Order No. 6 with Man-Con, Inc. in the amount of \$28,059.47 for the reconstruction of 100 linear feet of storm drain at S.E. 8 Street and Rio Cordova, just east of Cordova Road.

Funds: See Change Order

Recommend: Motion to approve.

Exhibit: Memo No. 02-445 from City Manager.

**Sanitary Sewer Agreement –
C. Craig Edewaard - Las Olas Village Development (M-18)**

A motion authorizing the proper City officials to execute a sanitary sewer agreement with C. Craig Edewaard, developer of the Las Olas Village development project, to connect to the existing wastewater transmission system located on S.W. 4 Street and S.W. 7 Avenue.

Recommend: Motion to approve.

Exhibit: Memo No. 02-490 from City Manager.

**Enterprise Zone (EZ) Loan –
Concepts3 Communications, Inc. – 530 and 540 North Andrews Avenue (M-19)**

A motion authorizing the proper City officials to execute an EZ Loan in the amount of \$114,000 to Concepts3 Communications, Inc. at 530 and 540 North Andrews Avenue, with said loan to be secured by a second mortgage and a Right of First Refusal Agreement on 530 and 540 North Andrews Avenue.

Recommend: Motion to approve.

Exhibit: Memo No. 02-4 from City Manager.

**Installation of Speed Humps on N.E. 15 Avenue – Coral Ridge Isles –
FY 2000/2001 Neighborhood Capital Improvement Program (NCIP) (M-20)**

A motion approving the installation of speed humps on N.E. 15 Avenue under the NCIP for FY 2000/2001 for the Coral Ridge Isles Neighborhood Association. (Also see Item M-10 on this Agenda)

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-127 from City Manager.

**Neighborhood Capital Improvement
Program (NCIP) Grant and Maintenance Agreement/
Revocable License – Bay Colony Homeowners Association (M-21)**

A motion authorizing the proper City officials to execute an NCIP grant and maintenance agreement/revocable license to the Bay Colony Homeowners Association for entranceway improvements.

Funds: See Memo

Recommend: Motion to approve.

Exhibit: Memo No. 02-426 from City Manager.

**Response to Request for Proposals (RFP) –
U. S. Department of Health and Human Services (DHHS) –
Development of Metropolitan Medical Response System (MMRS) (M-22)**

A motion authorizing the proper City officials to submit a proposal in accordance with the requirements of the RFP from the U.S. Department of Health and Human Services for the development of a Metropolitan Medical Response System.

Recommend: Motion to approve.

Exhibit: Memo No. 02-507 from City Manager.

Release for Property Damage – Green’s Directional Boring, Inc. (M-23)

A motion authorizing the proper City officials to execute a Release for Property Damage in exchange for full payment of the City’s claim against Green’s Directional Boring, Inc.

Recommend: Motion to approve.

Exhibit: Memo No. 02-444 from City Manager.

PURCHASING AGENDA

Proprietary – Rejection of Bid Responses and Purchase of 80 Gunlocks (Pur-1)

Approval to reject bid responses and an agreement to purchase 80 gunlocks are being presented for approval by the Administrative Services, Fleet Services Division.

Recommended Award: Law Enforcement Supply
Miami, FL
Amount: \$ 18,194.40
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-439 from City Manager

The Procurement and Materials Management Division has reviewed this item and agrees with the recommendation to reject all bids and approve the proprietary purchase.

Bid 722-8650 – One year Contract for Printing Services (Pur-2)

A one-year contract for printing services is being presented for approval by the Parks and Recreation Department.

Recommended Award: Ora International Graphix, Inc.
Pompano Beach, FL
Amount: \$ 25,326.00 (estimated)
Bids Solicited/Rec'd: 46/12
Exhibits: Memorandum No. 02-434 from City Manager

The Procurement and Materials Management Division recommends award to the lowest responsive and responsible bidder.

Bid 622-8642 – One year Contract for Sod (Pur-3)

A one-year contract for sod is being presented for approval by the Public Services Department.

Recommended Award: GreenEarth Nursery and Sod, Inc.
Davie, FL
Amount: Per Unit Prices
Bids Solicited/Rec'd: 48/3 with 2 no bids
Exhibits: Memorandum No. 02-460 from City Manager

The Procurement and Materials Management Division recommends award to the low responsive and responsible bidder.

Proprietary – Replacement Sludge Pump

(Pur-4)

An agreement to purchase a replacement sludge pump is being presented for approval by the Public Services Department.

Recommended Award: Gulfstream Pump & Equipment
Fort Lauderdale, FL
Amount: \$ 19,782.00
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-356 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

Proprietary –Rebuild Clarifier No. 1

(Pur-5)

An agreement to purchase engineering service, labor and materials to rebuild Clarifier No. 1 is being presented for approval by the Public Services Department.

Recommended Award: Baker Hughes (EIMCO)
Salt Lake City, UT
Amount: \$ 370,450.00 (estimated)
Bids Solicited/Rec'd: N/A
Exhibits: Memorandum No. 02-357 from City Manager

The Procurement and Materials Management Division reviewed this item and agrees with the recommendation to approve the proprietary purchase.

It was announced that **Item No. M-6** had been **deleted** from the agenda and would not be considered this evening.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson that Consent Agenda Item Nos. M-4, M-8, and M-19 be deleted from the Consent Agenda and considered separately, and that all remaining Consent Agenda Items be approved as recommended. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Event Agreement – Children’s Hospital at

Broward General Medical Center (BGMC) Carnival (M-4)

Commissioner Hutchinson noted that the back-up memorandum on this item contained some incorrect information, but the map was correct. She advised that the streets that would be closed were Southeast 1st Avenue, from 14th Street to 15th Street, and 14th Street, from 1st Avenue to 3rd Avenue.

Motion made by Commissioner Hutchinson and seconded by Commissioner Smith to approve Consent Agenda Item No. M-4 as clarified. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Reconciliation Agreement – Service Corporation
International (SCI) – Municipal Cemetery System (M-8)**

Commissioner Moore understood staff had contacted SCI, and he wondered if there was anything in writing. Mr. Julius DeLisio, Parks & Recreation Department, stated that SCI intended to submit an affidavit from the corporate level. Commissioner Moore suggested that this item be deferred until that affidavit was received. Mr. DeLisio explained that the City would be sending an agreement for execution, and nothing would occur until it was executed.

Commissioner Katz wondered why this could not wait since the agreement expiration was not until September. Mr. DeLisio stated that the stipulation involved performance of an audit, but nothing would change between now and September, so there was no reason to hold up the money. Commissioner Smith believed interest earnings would be lost.

Mayor Naugle asked whom staff had been dealing with locally, and Mr. DeLisio replied that he had been working with the Vice-President of SCI Florida Funeral Services in Pompano Beach. Mayor Naugle asked if there was a local Attorney. Mr. DeLisio replied that no information in that regard had been provided.

Motion made by Commissioner Moore and seconded by Commissioner Smith to approve Consent Agenda Item No. M-8 subject to obtaining the executed affidavit. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**Enterprise Zone (EZ) Loan – Concepts3 Communications, Inc. –
530 and 540 North Andrews Avenue (M-19)**

The City Manager stated that there had been some changes with respect to this item, so he wished to withdraw it at this time and present it at the next meeting.

MOTIONS

Those matters included under the Motions category differ from the Consent Agenda in that items will be voted on individually. In addition, presentations will be made on each motion item if so desired.

**Settlement of
Workers Compensation File No. WC 89-5351 (Michael Chalfonte) (M-24)**

A motion was **deleted** from the agenda authorizing the settlement of Workers Compensation File No. WC 89-5351 (Michael Chalfonte) in the amount of \$44,500.

**Proposed Lien Settlements for
Special Master and Code Enforcement Board Cases (M-25)**

A motion was presented authorizing proposed settlements for the following Special Master and Code Enforcement Board cases:

1. CE01031359 – George W. Orgill and Avis T. Orgill, 1431 N.W. 20 Court (\$975)
2. CE01020841 – Johnny B. Hawkins and Cora B. Hawkins, 1147 N.W. 17 Street (\$750)
3. CE99081054 – Martino B. Petreccia and Rosetta Petreccia, 3333 N.E. 38 Street (\$1,445)
4. CE01062187 – Graywhite Enterprises, Inc., 427 N.W. 21 Terrace (\$4,037.50)
5. CE01032148 and 9408501 – Michael Nassar, Inc., 1410 N.W. 19 Avenue (\$9,825)
6. CE00051939 – Pervez Plasticwala, 1516 N.E. 4 Avenue (\$3,200)
7. CE99071359 – John J. Doyle and Betty L. Doyle, 901 Cordova Road (\$1,300)
8. CE00121338 – James E. McSweeney and Mary Jane McSweeney, 2101 East Commercial Boulevard (\$7,725)
9. CE99072073 – James E. McSweeney and Mary Jane McSweeney, 2103 East Commercial Boulevard (\$5,565)

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve the lien settlements as recommended, with the exception of Item 2, CE01020841, Johnny B. and Cora Hawkins. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

2. CE01020841 – Johnny B. and Cora B. Hawkins, 1147 Northwest 17th Street (\$750)

Commissioner Moore said he agreed with the settlement amount, but he wished to add a stipulation that the property be sold, perhaps within 90 days. He explained this had been how the situation had been presented to him. Mr. John Simmons, Assistant Director of Community Inspections, said that he could advise the parties of the stipulation. The City Attorney understood that a representation had been made to Commissioner Moore about the business plans of those who were currently responsible for the property. It appeared Commissioner Moore wished to postpone the reduced fine amount until completion of the plan to sell the property.

Motion made by Commissioner Smith and seconded by Commissioner Hutchinson to approve this settlement contingent upon the proposal to sell the property. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

**City Commission Request for Review –
Site Plan Level III/Waterway Use/Yard Modification/RMM-25 –
The Palms on Las Olas, Inc. – 309 Bontona Avenue (PZ Case No. 1-R-02) (M-26)**

A motion was presented scheduling a public hearing for Tuesday, April 23, 2002 at 6:00 p.m. to hear the following application. (Requested by Mayor Naugle)

Applicant:	The Palms on Las Olas, Inc.
Request:	Site Plan Level III/Waterway Use/Yard Modification/RMM-25
Location:	309 Bontona Avenue

Mr. Dick Coker, Attorney representing the applicant, asked that the City Commission allow the Planning & Zoning Board's decision stand rather than calling this up for review. He distributed some information and stated that this involved a property of 13,700 square feet. Mr. Coker said this site was unique in that there was a single-family home site to the south. He provided copies of a declaration of restrictive covenants, and the Planning & Zoning Board had analyzed this situation thoroughly. Mr. Coker said that the project required Board approval because it was located on a waterway, and two waivers had been requested – one to allow a pool within the rear setback and another related to the side setback. He explained that the developer owned the lot to the south and could accommodate the setback issue in the design of the single-family home on that property.

Mr. Coker stated that the developer had stipulated by restrictive covenant that there would be a 20' side setback on the single-family home property rather than a 5' setback, as well as a 10' setback on the multi-family lot, resulting in a 30' separation between the buildings. He felt that accomplished the intent of the Code. Mr. Coker also pointed out that this property was at the tip of Las Olas Boulevard, and all of those tip lots were zoned for multi-family use. He stated that a great deal of thought had gone into this project, and the Planning & Zoning Board had recommended approval because of the unique circumstances of this case and the stipulations offered by the developer.

Mayor Naugle asked if this was a quasi-judicial matter. The City Attorney stated that this particular item was not in that it was only a motion to call the matter up for review. He advised that if the hearing was scheduled as proposed, it would be a quasi-judicial proceeding.

Commissioner Smith agreed that this developer had built one of the most attractive buildings on Las Olas Boulevard, but his constituents in the Isles had some serious concerns about this building, and he wanted the opportunity to examine the issues further.

Motion made by Commissioner Smith and seconded by Commissioner Moore to schedule the public hearing for Tuesday, April 23, 2002 at 6:00 p.m. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Application for Certificate of

Public Convenience and Necessity – Fort Lauderdale Transportation, Inc. (PH-1)

A public hearing was scheduled to consider an application for a Certificate of Public Convenience and Necessity from Fort Lauderdale Transportation, Inc. to operate six (6) rental vehicles with chauffeurs over irregular routes within the City, pursuant to Sections 27-191 and 27-192 of the Code of Ordinances. Notice of public hearing was published March 21 and 28, 2002.

Mayor Naugle called for those who wished to be heard. There were none.

Motion made by Commissioner Moore and seconded by Commissioner Hutchinson to close public hearing. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-52

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, AUTHORIZING THE ISSUANCE OF A CERTIFICATE OF PUBLIC CONVENIENCE AND NECESSITY TO FORT LAUDERDALE TRANSPORTATION, INC. TO OPERATE RENTAL VEHICLES WITH CHAUFFEURS PURSUANT TO SECTIONS 27-191 AND 27-192 OF THE CODE OF ORDINANCES.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Development Order – Florida Department of Transportation (FDOT)/Cypress Creek Park and Ride Associates, Limited Partnership, Lessee – Lightspeed Broward Center Development of Regional Impact (DRI) (PZ Case No. 109-R-00[02]) (PH-2)

At the January 23, 2002 regular meeting, the City Commission approved by a vote of 5-0 the consideration of an ordinance for this application for first reading on March 5, 2002; and at the February 20, 2002 Planning and Zoning Board regular meeting, it was recommended by a vote of 5-2 that the following application be approved. Notice of the public hearing was published on January 4, 2002 and February 23, 2002. At the March 5, 2002 regular meeting, the City Commission deferred first reading to March 19, 2002 by a vote of 5-0; and at the March 19, 2002 regular meeting, the City Commission deferred first reading to April 2, 2002 by a vote of 5-0.

Applicant:	FDOT/Cypress Creek Park and Ride Associates, Limited Partnership, Lessee
Request:	Development order for the Lightspeed Broward Center DRI
Location:	Area south of Cypress Creek Road, north of 60 Street, east of Andrews Avenue and west of I-95, also known as the FDOT Park and Ride Facility

Motion made by Commissioner Smith and seconded by Commissioner Moore to defer first reading to Tuesday, May 7, 2002 at 6:00 p.m. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Vacate a Segment of Alley – Dixie Southland Corporation – Jefferson at Fort Lauderdale (PZ Case No. 4-P-02) (O-1)

At the Planning and Zoning regular meeting of February 20, 2002, it was recommended by a vote of 9-0 that the following application be approved. Ordinance No. C-02-5 was published on March 7 and 14, 2002, and passed on first reading March 19, 2002 by a vote of 5-0.

Applicant:	Dixie Southland Corporation
Request:	Vacate a segment of alley
Location:	Alley south of N.E. 6 Street between N.E. 2 and 3 Avenues

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-05

AN ORDINANCE VACATING, ABANDONING AND CLOSING A PORTION OF THE 15 FOOT ALLEY IN BLOCK 4, "AMENDED PLAT OF NORTH LAUDERDALE", ACCORDING TO THE PLAT THEREOF, RECORDED IN PLAT BOOK 1, PAGE 182, OF THE PUBLIC RECORDS OF MIAMI-DADE COUNTY, FLORIDA, BOUNDED ON THE NORTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 8 OF SAID BLOCK 4 AND BOUNDED ON THE SOUTH BY THE WESTERLY EXTENSION OF THE SOUTH LINE OF LOT 10 OF SAID BLOCK 4, LOCATED SOUTH OF NORTHEAST 6TH STREET, NORTH OF NORTHEAST 5TH STREET BETWEEN NORTHEAST 2ND AVENUE AND NORTHEAST 3RD AVENUE, SUCH LAND BEING LOCATED IN THE CITY OF FORT LAUDERDALE, BROWARD COUNTY, FLORIDA.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**Amend Section 2-26 –
Starting Time of City Commission Conference Meetings (O-2)**

An ordinance was presented amending Section 2-26 of the Code of Ordinances to revise the starting time of the City Commission Conference meetings from 12:30 p.m. to 1:30 p.m. Ordinance No. C-02-6 was published on March 23, 2002, and passed on first reading March 19, 2002 by a vote of 5-0.

Commissioner Moore introduced the following ordinance on second reading:

ORDINANCE NO. C-02-06

AN ORDINANCE AMENDING SECTION 2-26, MEETINGS, OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, IN ORDER TO CHANGE THE TIME FOR THE MEETINGS OF THE CITY COMMISSION.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

**Amend Ordinance No. C-01-48 and Section 24-47(7) –
Royal Palm Frond Removal Service - Las Olas Isles Neighborhoods (O-3)**

An ordinance was presented amending Ordinance No. C-01-48 and Section 24-47(7) of the Code of Ordinances entitled, "Royal Palm Frond Removal Service," to reduce the service charge for Royal Palm frond removal service to the Las Olas Isles neighborhoods; and further extending the applicability of such ordinance. Notice of the proposed ordinance was published on March 23, 2002.

Mayor Naugle said he had received some calls about including fronds beyond just those from Royal Palm trees, and some convincing arguments had been made. Commissioner Smith was opposed to the idea because there was a special case to be made for the Royal Palm tree fronds due to their size. He was concerned that collecting other types of material would lead to couches and dressers being placed at the curb. However, Commissioner Smith was glad that the cost had come down because he felt the service should be provided at no cost.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-07

AN ORDINANCE AMENDING ORDINANCE NO. C-01-48, AND SECTION 24-47(7) OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENTITLED "ROYAL PALM FROND REMOVAL SERVICE," REDUCING THE SERVICE CHARGE FOR ROYAL PALM FROND REMOVAL SERVICE TO THE LAST OLAS ISLES NEIGHBORHOODS; AND FURTHER EXTENDING THE APPLICABILITY OF THIS ORDINANCE.

Which ordinance was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Amend Chapter 26 – "Two Wheels On, Two Wheels Off" Parking in Swales – Lauderdale Manors Neighborhood (O-4)

An ordinance was presented amending Chapter 26 of the Code of Ordinances to provide for "two wheels on, two wheels off" parking in swales in the Lauderdale Manors Neighborhood. Notice of the proposed ordinance will be published on April 13, 2002.

Mayor Naugle inquired about the economic impact of this action. Commissioner Moore thought this would have a positive impact because the price of homes would increase in this community as a result. He asked that some type of mailing be provided before second reading of the ordinance. It was agreed.

Commissioner Moore introduced the following ordinance on first reading:

ORDINANCE NO. C-02-08

AN ORDINANCE AMENDING CHAPTER 26, "TRAFFIC", OF THE CODE OF ORDINANCES OF THE CITY OF FORT LAUDERDALE, FLORIDA, TO CREATE SECTION 26-145, "PARKING OF VEHICLES ON SWALES"; PROVIDING FOR REGULATION OF MOTOR VEHICLE PARKING ON OR OVER SWALES IN THE PUBLIC RIGHTS-OF-WAY WITHIN THE AREA KNOWN AS LAUDERDALE MANORS GENERALLY BOUNDED ON THE EAST BY N.W. 9TH AVENUE, ON THE SOUTH BY SUNRISE BOULEVARD, ON THE WEST BY I-95, AND ON THE NORTH BY MILLS POND PARK, WITHIN THE CITY OF FORT LAUDERDALE.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Use of School Board Facilities by Neighborhood and Civic Associations (R-1)

A resolution was presented urging the School Board of Broward County to allow homeowner associations use of school facilities at no cost for meetings.

Mr. Michael Kasten, President of the Fort Lauderdale Council of Civic Associations, stated that the School Board was also requiring liability insurance from organizations meeting in the schools, which would cost \$1,200 to \$1,500 per year. He wished to include that item in the resolution. Commissioner Moore thought that price was a little inflated. Mr. Kasten said the Council was looking into an umbrella policy for its members, which would decrease the cost, but it was still a cost to homeowners' associations.

Commissioner Smith noted that government agencies were exempt from these fees, and he wondered if government was also exempt from the insurance requirement. He suggested further negotiations so that homeowners' associations could be covered under the City's umbrella as a government agency. The City Manager stated that he could approach the School Board with that idea. Mayor Naugle understood the taxpayers would then be liable.

Commissioner Smith thought it was outrageous that neighborhood groups could not meet in neighborhood schools. Commissioner Moore agreed. Mayor Naugle felt the City should first seek removal of the insurance requirement. Commissioner Smith thought that would be great, but he did not think it would be approved. Commissioner Moore preferred that the City Manager obtain a list of meeting dates and times and the City request school use as a governmental entity on the associations' behalf. Mayor Naugle felt that was different from assuming liability.

The City Attorney said he had not reviewed the agreement used by the School Board, but he anticipated it would include some very tight indemnification provisions. He understood Commissioner Moore was suggesting the City apply for use of the schools for a public purpose, so the City would be responsible for any property damage, etc. He thought it could be done legally, but it would potentially expose the taxpayers to some risk. Mayor Naugle asked if Sunshine Law requirements for meeting minutes, advertising, etc., would be necessary if these were considered City meetings. The City Attorney replied that they would not be considered City meetings.

Commissioner Moore only wished to do this for the regular meetings of civic associations. He did not want to entertain this use by other entities. Mr. Kasten suggested it be limited to board meetings and/or general membership meetings.

Mr. John Wilkes, outgoing Chair of the Education Advisory Board, supported the resolution and felt the civic associations should become a member of the SAC Team at each of the schools. He noted that exemptions were granted to the SAC Teams in terms of insurance. Commissioner Smith suggested that the Education Advisory Board send a letter of support for this resolution.

Commissioner introduced a written resolution entitled:

RESOLUTION NO. 02-53

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, URGING THE SCHOOL BOARD OF BROWARD COUNTY, FLORIDA TO ALLOW CIVIC AND HOMEOWNER ASSOCIATIONS IN THE CITY OF FORT LAUDERDALE TO USE SCHOOL FACILITIES FOR THEIR MEETINGS WITHOUT COST TO THESE ORGANIZATIONS.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Reschedule April 16, 2002

City Commission Conference and Regular Meetings to April 23, 2002..... (R-2)

A resolution was presented authorizing the Tuesday, April 16, 2002 City Commission Conference and Regular meetings be rescheduled to Tuesday, April 23, 2002.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-54

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, RESCHEDULING THE APRIL 16, 2002, REGULAR AND CONFERENCE MEETINGS OF THE CITY COMMISSION TO APRIL 23, 2002.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Appointment of Vice Mayor..... (R-3)

A resolution was presented appointing a Vice Mayor for a term of one year, in accordance with Section 3.05 of the City Charter.

Motion made by Commissioner Katz and seconded by Commissioner Smith that Commissioner Hutchinson be appointed Vice Mayor. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-55

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, DESIGNATING A VICE-MAYOR FOR A ONE-YEAR TERM IN ACCORDANCE WITH SECTION 3.05 OF THE CITY CHARTER.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

Road Closure – Dillard High School Basketball Parade (OB)

Motion made by Commissioner Moore and seconded by Commissioner Smith to authorize the following road closure from 10:00 a.m. to 12:00 noon on Saturday, April 13, 2002:

Beginning at Mount Olive Baptist Church (Northwest 9th Avenue and Northwest 4th Street), north to Sistrunk Boulevard, west to Northwest 22nd Road, continuing west to 24th Avenue, north to Panther Lane (Northwest 11th Street), east to Northwest 23rd Terrace, north to Northwest 12th Court, west to finish at Dillard High school Gymnasium.

Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle.
NAYS: none.

House Bill 571 – Local Law Enforcement Automation (OB)

A resolution was presented encouraging the Governor to sign House Bill 571, authorizing municipalities maintaining independent 800-megahertz radio communication systems ability to receive the \$12.50 civil penalty from each moving traffic violation for the purpose of funding local law enforcement automation.

Commissioner Smith introduced a written resolution entitled:

RESOLUTION NO. 02-56

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT LAUDERDALE, FLORIDA, ENCOURAGING THE GOVERNOR TO SIGN HOUSE BILL 571 AUTHORIZING MUNICIPALITIES MAINTAINING INDEPENDENT 800 MEGAHERTZ RADIO COMMUNICATION SYSTEMS TO RECEIVE THE \$12.50 CIVIL PENALTY FROM EACH MOVING TRAFFIC VIOLATION FOR THE PURPOSES OF FUNDING LOCAL LAW ENFORCEMENT AUTOMATION.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith, and Mayor Naugle. NAYS: none.

Advisory Board Appointments (OB)

The City Clerk announced the appointees/reappointees who were the subjects of this resolution:

Board of Adjustment (Alternate)

Fred Stresau

Education Advisory Board

Tanner Demmery
Mary C. Fertig
Ellen Salerno
Betty Shelley
Mary Cavaoli
Leonor "Lu" Deaner
Gil Borrero
JoAnne Boggus

Jane Coffman
Brad Mattair
Margaret Haynie Birch
Michelle Curry-Goosby
Pearl Maloney
Lincoln Pasteur
Jessica Pollini

Marine Advisory Board

Tom Gleason
Barry Flanigan
John Naclerio
Dr. Geraldine Udell
Margery Anderson
Joe Hessmann
Roger McKee
Robert Sadowski
Norbert McLaughlin
Thomas Thornton
Bernard Gartner
Ted Peterson

Northwest-Progresso-Flagler Heights
Redevelopment Advisory Board

Pastor John White

Commissioner Moore introduced a written resolution entitled:

RESOLUTION NO. 02-57

A RESOLUTION OF THE CITY COMMISSION OF THE CITY OF FORT
LAUDERDALE, FLORIDA, APPOINTING BOARD MEMBERS AS SET FORTH
IN THE EXHIBIT ATTACHED HERETO AND MADE A PART HEREOF.

Which resolution was read by title only. Roll call showed: YEAS: Commissioners Moore, Hutchinson, Katz, Smith and Mayor Naugle. NAYS: none.

At 6:57 P.M., Mayor Naugle adjourned the meeting.

Jim Naugle
Mayor

ATTEST:

Lucy Masliah
City Clerk